S.B.Criminal Revision Petition No.930/2006

Ramlal Meena
v.
State of Rajasthan

Date of Order :: 23rd November, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Rakesh Arora, for the petitioner.
Mr. Vishnu Kachhawaha, Public Prosecutor.

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This petition under Section 397 read with 401 Cr.P.C. is preferred to challenge validity, correctness and propriety of the order dated 18.8.2006 passed by learned Additional Sessions Judge (Fast Track), Nagaur framing charges against the petitioner for the offences punishable under Sections 376 and 313 IPC.

In brief facts of the case are that the complainant lodged a first information report against the petitioner and 11 other persons on 22.2.2006 contemplating the offences punishable under Sections 376 and 313 IPC. It was stated in the first information report that the present petitioner by playing fraud committing rape with the complainant since February, 1998. After regular investigation a police report was filed against the petitioner and on basis of that and also by considering the statements

given by the complainant under Section 164 Cr.P.C., by the order impugned learned court below framed charges against the petitioner for the offences punishable under Sections 376 and 313 IPC.

The contention of counsel for the petitioner while assailing validity of the order dated 18.8.2006 is that as a matter of fact even according to the complainant the petitioner is her husband and, therefore, the allegation of rape is absolutely misconceived.

I have perused the order impugned and also examined the police report, photocopy of which is available on record.

The facts stated in the first information report and the statements given by the complainant prosecutrix under Section 164 Cr.P.C. are adequate to get prima facie satisfied for framing the charges for the offences punishable under Sections 376 and 313 IPC. The allegation of the complainant is regarding recurring commission of intercourse by misleading her is available on record. In view of the police report and the documents annexed thereto I do not find any error with the order impugned, thus, no interference of this Court under Section 397 read with 401 Cr.P.C. is warranted.

The revision petition is accordingly dismissed.

(GOVIND MATHUR),J.

Kkm/ps.